

Union Calendar No. 89

112TH CONGRESS
1ST SESSION

H. R. 398

[Report No. 112–141, Part I]

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2011

Ms. ZOE LOFGREN of California (for herself, Mr. GALLEGLY, Mr. CONYERS, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 8, 2011

Reported from the Committee on the Judiciary

JULY 8, 2011

The Committee on the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TOLLING PERIODS OF TIME TO FILE PETITION**
4 **AND HAVE INTERVIEW FOR REMOVAL OF**
5 **CONDITION.**

6 (a) IN GENERAL.—Section 216 of the Immigration
7 and Nationality Act (8 U.S.C. 1186a) is amended—

8 (1) by redesignating subsection (g) as sub-
9 section (h); and

10 (2) by inserting after subsection (f) the fol-
11 lowing:

12 “(g) SERVICE IN ARMED FORCES.—

13 “(1) FILING PETITION.—The 90-day period de-
14 scribed in subsection (d)(2)(A) shall be tolled during
15 any period of time in which the alien spouse or peti-
16 tioning spouse is a member of the Armed Forces of
17 the United States and serving abroad in an active-
18 duty status in the Armed Forces, except that, at the
19 option of the petitioners, the petition may be filed
20 during such active-duty service at any time after the
21 commencement of such 90-day period.

22 “(2) PERSONAL INTERVIEW.—The 90-day pe-
23 riod described in the first sentence of subsection
24 (d)(3) shall be tolled during any period of time in
25 which the alien spouse or petitioning spouse is a

1 member of the Armed Forces of the United States
 2 and serving abroad in an active-duty status in the
 3 Armed Forces, except that nothing in this paragraph
 4 shall be construed to prohibit the Secretary of
 5 Homeland Security from waiving the requirement
 6 for an interview under subsection (c)(1)(B) pursuant
 7 to the Secretary’s authority under the second sen-
 8 tence of subsection (d)(3).”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) IN GENERAL.—Section 216(a)(1) of the Im-
 11 migration and Nationality Act (8 U.S.C.
 12 1186a(a)(1)) is amended—

13 (A) by striking “(g)(1))” and inserting

14 “(h)(1))”; and

15 (B) by striking “(g)(2))” and inserting

16 “(h)(2))”.

17 (2) REFERENCES.—Section 216 of the Immi-
 18 gration and Nationality Act (8 U.S.C. 1186a) is
 19 amended—

20 (A) in subsection (d)(3), by striking “At-

21 torney General’s” and inserting “Secretary’s”;

22 (B) by striking “Attorney General” each

23 place such term appears and inserting “Sec-

24 retary of Homeland Security”; and

1 (C) in subsections (c)(1)(B) and (d)(3), by
2 striking “Service” and inserting “Department
3 of Homeland Security”.

4 **SEC. 2. COMPLIANCE WITH PAYGO.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the Committee on the Budget of the
11 House of Representatives, provided that such statement
12 has been submitted prior to the vote on passage.

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